Senate Select Committee on Intelligence

Committee Study of the Central Intelligence Agency's Detention and Interrogation Program

Foreword by Senate Select Committee on Intelligence Chairman Dianne Feinstein

Findings and Conclusions

Executive Summary

Approved December 13, 2012

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Foreword

On April 3, 2014, the Senate Select Committee on Intelligence voted to send the Findings and Conclusions and the Executive Summary of its final Study on the CIA's Detention and Interrogation Program to the President for declassification and subsequent public release.

This action marked the culmination of a monumental effort that officially began with the Committee's decision to initiate the Study in March 2009, but which had its roots in an investigation into the CIA's destruction of videotapes of CIA detainee interrogations that began in December 2007.

The full Committee Study, which totals more than 6,700 pages, remains classified but is now an official Senate report. The full report has been provided to the White House, the CIA, the Department of Justice, the Department of Defense, the Department of State, and the Office of the Director of National Intelligence in the hopes that it will prevent future coercive interrogation practices and inform the management of other covert action programs.

As the Chairman of the Committee since 2009, I write to offer some additional views, context, and history.

I began my service on the Senate Intelligence Committee in January 2001. I remember testimony that summer from George Tenet, the Director of Central Intelligence, that warned of a possible major terrorist event against the United States, but without specifics on the time, location, or method of attack. On September 11, 2001, the world learned the answers to those questions that had consumed the CIA and other parts of the U.S. Intelligence Community.[1]

I recall vividly watching the horror of that day, to include the television footage of innocent men and women jumping out of the World Trade Center towers to escape the fire. The images, and the sounds as their bodies hit the pavement far below, will remain with me for the rest of my life.

It is against that backdrop – the largest attack against the American homeland in our history – that the events described in this report were undertaken.

[1] For information on the events at the CIA prior to September 11, 2001, see the Final Report of the National Commission on Terrorist Attacks upon the United States (9/11 Commission) and Office of the Inspector General Report on CIA Accountability With Respect to the 9/11 Attacks.

Nearly 13 years later, the Executive Summary and Findings and Conclusions of this report are being released. They are highly critical of the CIA's actions, and rightfully so. Reading them, it is easy to forget the context in which the program began – not that the context should serve as an excuse, but rather as a warning for the future.

It is worth remembering the pervasive fear in late 2001 and how immediate the threat felt. Just a week after the September 11 attacks, powdered anthrax was sent to various news organizations and to two U.S. Senators. The American public was shocked by news of new terrorist plots and elevations of the color-coded threat level of the Homeland Security Advisory System. We expected further attacks against the nation.

I have attempted throughout to remember the impact on the nation and to the CIA workforce from the attacks of September 11, 2001. I can understand the CIA's impulse to consider the use of every possible tool to gather intelligence and remove terrorists from the battlefield,[2] and CIA was encouraged by political leaders and the public to do whatever it could to prevent another attack.

The Intelligence Committee as well often pushes intelligence agencies to act quickly in response to threats and world events.

Nevertheless, such pressure, fear, and expectation of further terrorist plots do not justify, temper, or excuse improper actions taken by individuals or organizations in the name of national security. The major lesson of this report is that regardless of the pressures and the need to act, the Intelligence Community's actions must always reflect who we are as a nation, and adhere to our laws and standards. It is precisely at these times of national crisis that our government must be guided by the lessons of our history and subject decisions to internal and external review.

Instead, CIA personnel, aided by two outside contractors, decided to initiate a program of indefinite secret detention and the use of brutal interrogation techniques in violation of U.S. law, treaty obligations, and our values.

This Committee Study documents the abuses and countless mistakes made between late 2001 and early 2009. The Executive Summary of the Study provides

[2] It is worth repeating that the covert action authorities approved by the President in September 2001 did not provide any authorization or contemplate coercive interrogations.

a significant amount of new information, based on CIA and other documents, to what has already been made public by the Bush and Obama Administrations, as well as non-governmental organizations and the press.

The Committee's full Study is more than ten times the length of the Executive Summary and includes comprehensive and excruciating detail. The Study describes the history of the CIA's Detention and Interrogation Program from its inception to its termination, including a review of each of the 119 known individuals who were held in CIA custody.

The full Committee Study also provides substantially more detail than what is included in the Executive Summary on the CIA's justification and defense of its interrogation program on the basis that it was necessary and critical to the disruption of specific terrorist plots and the capture of specific terrorists. While the Executive Summary provides sufficient detail to demonstrate the inaccuracies of each of these claims, the information in the full Committee Study is far more extensive.

I chose not to seek declassification of the full Committee Study at this time. I believe that the Executive Summary includes enough information to adequately describe the CIA's Detention and Interrogation Program, and the Committee's Findings and Conclusions cover the entirety of the program. Seeking declassification of the more than six thousand page report would have significantly delayed the release of the Executive Summary. Decisions will be made later on the declassification and release of the full 6,700 page Study.

In 2009, when this effort began, I stated (in a press release co-authored with the Vice Chairman of the Committee, Senator Kit Bond) that "the purpose is to review the program and to shape detention and interrogation policies in the future." The review is now done. It is my sincere and deep hope that through the release of these Findings and Conclusions and Executive Summary that U.S. policy will never again allow for secret indefinite detention and the use of coercive interrogations. As the Study describes, prior to the attacks of September 2001, the CIA itself determined from its own experience with coercive interrogations, that such techniques "do not produce intelligence," "will probably result in false answers," and had historically proven to be ineffective. Yet these conclusions were ignored. We cannot again allow history to be forgotten and grievous past mistakes to be repeated.

President Obama signed Executive Order 13491 in January 2009 to prohibit the CIA from holding detainees other than on a "short-term, transitory basis" and to limit interrogation techniques to those included in the Army Field Manual. However, these limitations are not part of U.S. law and could be overturned by a future president with the stroke of a pen. They should be enshrined in legislation.

Even so, existing U.S. law and treaty obligations should have prevented many of the abuses and mistakes made during this program. While the Office of Legal Counsel found otherwise between 2002 and 2007, it is my personal conclusion that, under any common meaning of the term, CIA detainees were tortured. I also believe that the conditions of confinement and the use of authorized and unauthorized interrogation and conditioning techniques were cruel, inhuman, and degrading. I believe the evidence of this is overwhelming and incontrovertible.

While the Committee did not make specific recommendations, several emerge from the Committee's review. The CIA, in its June 2013 response to the Committee's Study from December 2012, has also already made and begun to implement its own recommendations. I intend to work with Senate colleagues to produce recommendations and to solicit views from the readers of the Committee Study.

I would also like to take this opportunity to describe the process of this study.

As noted previously, the Committee approved the Terms of Reference for the Study in March 2009 and began requesting information from the CIA and other federal departments. The Committee, through its staff, had already reviewed in 2008 thousands of CIA cables describing the interrogations of the CIA detainees Abu Zubaydah and 'Abd al-Rahim al-Nashiri, whose interrogations were the subject of videotapes that were destroyed by the CIA in 2005.

The 2008 review was complicated by the existence of a Department of Justice investigation, opened by Attorney General Michael Mukasey, into the destruction of the videotapes and expanded by Attorney General Holder in August 2009. In particular, CIA employees and contractors who would otherwise have been interviewed by the Committee staff were under potential legal jeopardy, and therefore the CIA would not compel its workforce to appear before the Committee. This constraint lasted until the Committee's research and documentary review were completed and the Committee Study had largely been finalized.

Furthermore, given the volume and internal nature of relevant CIA documents, the CIA insisted that the Committee enter into an arrangement where our staff would review documents and conduct research at a CIA-leased facility [redacted] rather than at the Committee's offices on Capitol Hill.

From early 2009 to late 2012, a small group of Committee staff reviewed the more than six million pages of CIA materials, to include operational cables, intelligence reports, internal memoranda and emails, briefing materials, interview transcripts, contracts, and other records. Draft sections of the Study were prepared and distributed to the full Committee membership beginning in October 2011 and this process continued through to the Committee's vote to approve the full Committee Study on December 13, 2012.

The breadth of documentary material on which the Study relied and which the Committee Study cites is unprecedented. While the Committee did not interview CIA officials in the context of the Committee Study, it had access to and drew from the interviews of numerous CIA officials conducted by the CIA's Inspector General and the CIA Oral History program on subjects that lie at the heart of the Committee Study, as well as past testimony to the Committee.

Following the December 2012 vote, the Committee Study was sent to the President and appropriate parts of the Executive Branch for comments by February 15, 2013. The CIA responded in late June 2013 with extensive comments on the Findings and Conclusions, based in part on the responses of CIA officials involved in the program. At my direction, the Committee staff met with CIA representatives in order to fully understand the CIA's comments, and then incorporated suggested edits or comments as appropriate.

The Committee Study, including the now-declassified Executive Summary and Findings and Conclusions, as updated is now final and represents the official views of the Committee. This and future Administrations should use this Study to guide future programs, correct past mistakes, increase oversight of CIA representations to policymakers, and ensure coercive interrogation practices are not used by our government again.

Finally, I want to recognize the members of the staff who have endured years of long hours poring through the difficult details of one of the lowest points in our nation's history. They have produced the most significant and comprehensive oversight report in the Committee's history, and perhaps in that of the U.S. Senate, and their contributions should be recognized and praised.

Daniel Jones has managed and led the Committee's review effort from its inception. Dan has devoted more than six years to this effort, has personally written thousands of its pages, and has been integrally involved in every Study decision. Evan Gottesman, Chad Tanner, and Alissa Starzak have also played integral roles in the Committee Study and have spent considerable years researching and drafting specific sections of the Committee Study.

Other Committee staff members have also assisted in the review and provided valuable contributions at the direction of our Committee Members. They include, among others, Jennifer Barrett, Nick Basciano, Michael Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe. The Committee's Staff Director throughout the review, David Grannis, has played a central role in assisting me and guiding the Committee through this entire process. Without the expertise, patience, and work ethic of our able staff, our Members would not have been able to complete this most important work.

Dianne Feinstein
Chairman
Senate Select Committee on Intelligence

Senate Select Committee on Intelligence

Committee Study of the CIA's Detention and Interrogation Program

Findings and Conclusions

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The Committee makes the following findings and conclusions:

#1: The CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees.

The Committee finds, based on a review of CIA interrogation records, that the use of the CIA's enhanced interrogation techniques was not an effective means of obtaining accurate information or gaining detainee cooperation.

For example, according to CIA records, seven of the 39 CIA detainees known to have been subjected to the CIA's enhanced interrogation techniques produced no intelligence while in CIA custody.[1] CIA detainees who were subjected to the CIA's enhanced interrogation techniques were usually subjected to the techniques immediately after being rendered to CIA custody. Other detainees provided significant accurate intelligence prior to, or without having been subjected to these techniques.

While being subjected to the CIA's enhanced interrogation techniques and afterwards, multiple CIA detainees fabricated information, resulting in faulty intelligence. Detainees provided fabricated information on critical intelligence issues, including the terrorist threats which the CIA identified as its highest priorities.

At numerous times throughout the CIA's Detention and Interrogation Program, CIA personnel assessed that the most effective method for acquiring intelligence from detainees, including from detainees the CIA considered to be the most "high-value," was to confront the detainees with information already acquired by the Intelligence Community. CIA officers regularly called into question whether the CIA's enhanced interrogation techniques were effective, assessing that the use of the techniques failed to elicit detainee cooperation or produce accurate intelligence.

#2: The CIA's justification for the use of its enhanced interrogation techniques rested on inaccurate claims of their effectiveness.

The CIA represented to the White House, the National Security Council, the Department of Justice, the CIA Office of Inspector General, the Congress, and the public that the best measure of effectiveness of the CIA's enhanced interrogation techniques was examples of specific terrorist plots "thwarted" and specific terrorists captured as a result of the use of the techniques. The CIA used these examples to claim that its enhanced interrogation techniques were not only effective, but also necessary to acquire "otherwise unavailable" actionable intelligence that "saved lives."

The Committee reviewed 20 of the most frequent and prominent examples of purported counterterrorism successes that the CIA has attributed to the use of its enhanced interrogation techniques, and found them to be wrong in fundamental respects. In some cases, there was no relationship between the cited counterterrorism success and any information provided by detainees during or after the use of the CIA's enhanced interrogation techniques. In the

remaining cases, the CIA inaccurately claimed that specific, otherwise unavailable information was acquired from a CIA detainee "as a result" of the CIA's enhanced interrogation techniques, when in fact the information was either: (1) corroborative of information already available to the CIA or other elements of the U.S. Intelligence Community from sources other than the CIA detainee, and was therefore not "otherwise unavailable"; or (2) acquired from the CIA detainee prior to the use of the CIA's enhanced interrogation techniques. The examples provided by the CIA included numerous factual inaccuracies.

In providing the "effectiveness" examples to policymakers, the Department of Justice, and others, the CIA consistently omitted the significant amount of relevant intelligence obtained from sources other than CIA detainees who had been subjected to the CIA's enhanced interrogation techniques—leaving the false impression the CIA was acquiring unique information from the use of the techniques.

Some of the plots that the CIA claimed to have "disrupted" as a result of the CIA's enhanced interrogation techniques were assessed by intelligence and law enforcement officials as being infeasible or ideas that were never operationalized.

#3: The interrogations of CIA detainees were brutal and far worse than the CIA represented to policymakers and others.

Beginning with the CIA's first detainee, Abu Zubaydah, and continuing with numerous others, the CIA applied its enhanced interrogation techniques with significant repetition for days or weeks at a time. Interrogation techniques such as slaps and "wallings" (slamming detainees against a wall) were used in combination, frequently concurrent with sleep deprivation and nudity. Records do not support CIA representations that the CIA initially used an "an open, non-threatening approach,"[2] or that interrogations began with the "least coercive technique possible"[3] and escalated to more coercive techniques only as necessary.

The waterboarding technique was physically harmful, inducing convulsions and vomiting. Abu Zubaydah, for example, became "completely unresponsive, with bubbles rising through his open, full mouth."[4] Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad as evolving into a "series of near drownings."[5]

Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled above their heads. At least five detainees experienced disturbing hallucinations during prolonged sleep deprivation and, in at least two of those cases, the CIA nonetheless continued the sleep deprivation.

Contrary to CIA representations to the Department of Justice, the CIA instructed personnel that the interrogation of Abu Zubaydah would take "precedence" over his medical care,[6] resulting in the deterioration of a bullet wound Abu Zubaydah incurred during his capture. In at least two other cases, the CIA used its enhanced interrogation techniques despite warnings from CIA medical personnel that the techniques could exacerbate physical injuries. CIA medical personnel

treated at least one detainee for swelling in order to allow the continued use of standing sleep deprivation.

At least five CIA detainees were subjected to "rectal rehydration" or rectal feeding without documented medical necessity. The CIA placed detainees in ice water "baths." The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to one detainee that he would only leave in a coffin-shaped box.[7] One interrogator told another detainee that he would never go to court, because "we can never let the world know what I have done to you."[8] CIA officers also threatened at least three detainees with harm to their families—to include threats to harm the children of a detainee, threats to sexually abuse the mother of a detainee, and a threat to "cut [a detainee's] mother's throat."[9]

#4: The conditions of confinement for CIA detainees were harsher than the CIA had represented to policymakers and others.

Conditions at CIA detention sites were poor, and were especially bleak early in the program. CIA detainees at the COBALT detention facility were kept in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.[10] Lack of heat at the facility likely contributed to the death of a detainee. The chief of interrogations described COBALT as a "dungeon."[11] Another senior CIA officer stated that COBALT was itself an enhanced interrogation technique.[12]

At times, the detainees at COBALT were walked around naked or were shackled with their hands above their heads for extended periods of time. Other times, the detainees at COBALT were subjected to what was described as a "rough takedown," in which approximately five CIA officers would scream at a detainee, drag him outside of his cell, cut his clothes off, and secure him with Mylar tape. The detainee would then be hooded and dragged up and down a long corridor while being slapped and punched.

Even after the conditions of confinement improved with the construction of new detention facilities, detainees were held in total isolation except when being interrogated or debriefed by CIA personnel.

Throughout the program, multiple CIA detainees who were subjected to the CIA's enhanced interrogation techniques and extended isolation exhibited psychological and behavioral issues, including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple psychologists identified the lack of human contact experienced by detainees as a cause of psychiatric problems.

#5: The CIA repeatedly provided inaccurate information to the Department of Justice, impeding a proper legal analysis of the CIA's Detention and Interrogation Program.

From 2002 to 2007, the Office of Legal Counsel (OLC) within the Department of Justice relied on CIA representations regarding: (1) the conditions of confinement for detainees, (2) the

application of the CIA's enhanced interrogation techniques, (3) the physical effects of the techniques on detainees, and (4) the effectiveness of the techniques. Those representations were inaccurate in material respects.

The Department of Justice did not conduct independent analysis or verification of the information it received from the CIA. The department warned, however, that if the facts provided by the CIA were to change, its legal conclusions might not apply. When the CIA determined that information it had provided to the Department of Justice was incorrect, the CIA rarely informed the department.

Prior to the initiation of the CIA's Detention and Interrogation Program and throughout the life of the program, the legal justifications for the CIA's enhanced interrogation techniques relied on the CIA's claim that the techniques were necessary to save lives. In late 2001 and early 2002, senior attorneys at the CIA Office of General Counsel first examined the legal implications of using coercive interrogation techniques. CIA attorneys stated that "a novel application of the necessity defense" could be used "to avoid prosecution of U.S. officials who tortured to obtain information that saved many lives."[13]

Having reviewed information provided by the CIA, the OLC included the "necessity defense" in its August 1, 2002, memorandum to the White House counsel on *Standards of Conduct for Interrogation.* The OLC determined that "under the current circumstances, necessity or self-defense may justify interrogation methods that might violate" the criminal prohibition against torture.

On the same day, a second OLC opinion approved, for the first time, the use of 10 specific coercive interrogation techniques against Abu Zubaydah—subsequently referred to as the CIA's "enhanced interrogation techniques." The OLC relied on inaccurate CIA representations about Abu Zubaydah's status in al-Qa'ida and the interrogation team's "certain[ty]" that Abu Zubaydah was withholding information about planned terrorist attacks. The CIA's representations to the OLC about the techniques were also inconsistent with how the techniques would later be applied.

In March 2005, the CIA submitted to the Department of Justice various examples of the "effectiveness" of the CIA's enhanced interrogation techniques that were inaccurate. OLC memoranda signed on May 30, 2005, and July 20, 2007, relied on these representations, determining that the techniques were legal in part because they produced "specific, actionable intelligence" and "substantial quantities of otherwise unavailable intelligence" that saved lives.[14]

#6: The CIA has actively avoided or impeded congressional oversight of the program.

The CIA did not brief the leadership of the Senate Select Committee on Intelligence on the CIA's enhanced interrogation techniques until September 2002, after the techniques had been approved and used. The CIA did not respond to Chairman Bob Graham's requests for additional information in 2002, noting in its own internal communications that he would be leaving the Committee in January 2003. The CIA subsequently resisted efforts by Vice Chairman John D.

Rockefeller IV, to investigate the program, including by refusing in 2006 to provide requested documents to the full Committee.

The CIA restricted access to information about the program from members of the Committee beyond the chairman and vice chairman until September 6, 2006, the day the president publicly acknowledged the program, by which time 117 of the 119 known detainees had already entered CIA custody. Until then, the CIA had declined to answer questions from other Committee members that related to CIA interrogation activities.[15]

Prior to September 6, 2006, the CIA provided inaccurate information to the leadership of the Committee. Briefings to the full Committee beginning on September 6, 2006, also contained numerous inaccuracies, including inaccurate descriptions of how interrogation techniques were applied and what information was obtained from CIA detainees. The CIA misrepresented the views of members of Congress on a number of occasions. After multiple senators had been critical of the program and written letters expressing concerns to CIA Director Michael Hayden, Director Hayden nonetheless told a meeting of foreign ambassadors to the United States that every Committee member was "fully briefed," and that "[t]his is not CIA's program. This is not the President's program. This is America's program."[16] The CIA also provided inaccurate information describing the views of U.S. senators about the program to the Department of Justice.

A year after being briefed on the program, the House and Senate Conference Committee considering the Fiscal Year 2008 Intelligence Authorization bill voted to limit the CIA to using only interrogation techniques authorized by the Army Field Manual. That legislation was approved by the Senate and the House of Representatives in February 2008, and was vetoed by President Bush on March 8, 2008.

#7: The CIA impeded effective White House oversight and decision-making.

The CIA provided extensive amounts of inaccurate and incomplete information related to the operation and effectiveness of the CIA's Detention and Interrogation Program to the White House, the National Security Council principals, and their staffs. This prevented an accurate and complete understanding of the program by Executive Branch officials, thereby impeding oversight and decision-making.

According to CIA records, no CIA officer, up to and including CIA Directors George Tenet and Porter Goss, briefed the president on the specific CIA enhanced interrogation techniques before April 2006. By that time, 38 of the 39 detainees identified as having been subjected to the CIA's enhanced interrogation techniques had already been subjected to the techniques.[17] The CIA did not inform the president or vice president of the location of CIA detention facilities other than Country [redacted].[18]

At the direction of the White House, the secretaries of state and defense – both principals on the National Security Council – were not briefed on program specifics until September 2003. An internal CIA email from July 2003 noted that "… the WH [White House] is extremely concerned

[Secretary] Powell would blow his stack if he were to be briefed on what's been going on."[19] Deputy Secretary of State Armitage complained that he and Secretary Powell were "cut out" of the National Security Council coordination process.[20]

The CIA repeatedly provided incomplete and inaccurate information to White House personnel regarding the operation and effectiveness of the CIA's Detention and Interrogation Program. This includes the provision of inaccurate statements similar to those provided to other elements of the U.S. Government and later to the public, as well as instances in which specific questions from White House officials were not answered truthfully or fully. In briefings for the National Security Council principals and White House officials, the CIA advocated for the continued use of the CIA's enhanced interrogation techniques, warning that "[t]ermination of this program will result in loss of life, possibly extensive."[21]

#8: The CIA's operation and management of the program complicated, and in some cases impeded, the national security missions of other Executive Branch agencies.

The CIA, in the conduct of its Detention and Interrogation Program, complicated, and in some cases impeded, the national security missions of other Executive Branch agencies, including the Federal Bureau of Investigation (FBI), the State Department, and the Office of the Director of National Intelligence (ODNI). The CIA withheld or restricted information relevant to these agencies' missions and responsibilities, denied access to detainees, and provided inaccurate information on the CIA's Detention and Interrogation Program to these agencies.

The use of coercive interrogation techniques and covert detention facilities that did not meet traditional U.S. standards resulted in the FBI and the Department of Defense limiting their involvement in CIA interrogation and detention activities. This reduced the ability of the U.S. Government to deploy available resources and expert personnel to interrogate detainees and operate detention facilities. The CIA denied specific requests from FBI Director Robert Mueller III for FBI access to CIA detainees that the FBI believed was necessary to understand CIA detainee reporting on threats to the U.S. Homeland. Information obtained from CIA detainees was restricted within the Intelligence Community, leading to concerns among senior CIA officers that limitations on sharing information undermined government-wide counterterrorism analysis.

The CIA blocked State Department leadership from access to information crucial to foreign policy decision-making and diplomatic activities. The CIA did not inform two secretaries of state of locations of CIA detention facilities, despite the significant foreign policy implications related to the hosting of clandestine CIA detention sites and the fact that the political leaders of host countries were generally informed of their existence. Moreover, CIA officers told U.S. ambassadors not to discuss the CIA program with State Department officials, preventing the ambassadors from seeking guidance on the policy implications of establishing CIA detention facilities in the countries in which they served.

In two countries, U.S. ambassadors were informed of plans to establish a CIA detention site in the countries where they were serving after the CIA had already entered into agreements with the

countries to host the detention sites. In two other countries where negotiations on hosting new CIA detention facilities were taking place,[22] the CIA told local government officials not to inform the U.S. ambassadors.[23]

The ODNI was provided with inaccurate and incomplete information about the program, preventing the director of national intelligence from effectively carrying out the director's statutory responsibility to serve as the principal advisor to the president on intelligence matters. The inaccurate information provided to the ODNI by the CIA resulted in the ODNI releasing inaccurate information to the public in September 2006.

#9: The CIA impeded oversight by the CIA's Office of Inspector General.

The CIA avoided, resisted, and otherwise impeded oversight of the CIA's Detention and Interrogation Program by the CIA's Office of Inspector General (OIG). The CIA did not brief the OIG on the program until after the death of a detainee, by which time the CIA had held at least 22 detainees at two different CIA detention sites. Once notified, the OIG reviewed the CIA's Detention and Interrogation Program and issued several reports, including an important May 2004 "Special Review" of the program that identified significant concerns and deficiencies.

During the OIG reviews, CIA personnel provided OIG with inaccurate information on the operation and management of the CIA's Detention and Interrogation Program, as well as on the effectiveness of the CIA's enhanced interrogation techniques. The inaccurate information was included in the final May 2004 Special Review, which was later declassified and released publicly, and remains uncorrected.

In 2005, CIA Director Goss requested in writing that the inspector general not initiate further reviews of the CIA's Detention and Interrogation Program until reviews already underway were completed. In 2007, Director Hayden ordered an unprecedented review of the OIG itself in response to the OIG's inquiries into the CIA's Detention and Interrogation Program.

#10: The CIA coordinated the release of classified information to the media, including inaccurate information concerning the effectiveness of the CIA's enhanced interrogation techniques.

The CIA's Office of Public Affairs and senior CIA officials coordinated to share classified information on the CIA's Detention and Interrogation Program to select members of the media to counter public criticism, shape public opinion, and avoid potential congressional action to restrict the CIA's detention and interrogation authorities and budget. These disclosures occurred when the program was a classified covert action program, and before the CIA had briefed the full Committee membership on the program.

The deputy director of the CIA's Counterterrorism Center wrote to a colleague in 2005, shortly before being interviewed by a media outlet, that "we either get out and sell, or we get hammered, which has implications beyond the media. [C]ongress reads it, cuts our authorities, messes up

our budget… we either put out our story or we get eaten. [T]here is no middle ground."[24] The same CIA officer explained to a colleague that "when the [Washington Post]/[New York T]imes quotes 'senior intelligence official,' it's us… authorized and directed by opa [CIA's Office of Public Affairs]."[25]

Much of the information the CIA provided to the media on the operation of the CIA's Detention and Interrogation Program and the effectiveness of its enhanced interrogation techniques was inaccurate and was similar to the inaccurate information provided by the CIA to the Congress, the Department of Justice, and the White House.

#11: The CIA was unprepared as it began operating its Detention and Interrogation Program more than six months after being granted detention authorities.

On September 17, 2001, the President signed a covert action Memorandum of Notification (MON) granting the CIA unprecedented counterterrorism authorities, including the authority to covertly capture and detain individuals "posing a continuing, serious threat of violence or death to U.S. persons and interests or planning terrorist activities." The MON made no reference to interrogations or coercive interrogation techniques.

The CIA was not prepared to take custody of its first detainee. In the fall of 2001, the CIA explored the possibility of establishing clandestine detention facilities in several countries. The CIA's review identified risks associated with clandestine detention that led it to conclude that U.S. military bases were the best option for the CIA to detain individuals under the MON authorities. In late March 2002, the imminent capture of Abu Zubaydah prompted the CIA to again consider various detention options. In part to avoid declaring Abu Zubaydah to the International Committee of the Red Cross, which would be required if he were detained at a U.S. military base, the CIA decided to seek authorization to clandestinely detain Abu Zubaydah at a facility in Country [redacted]—a country that had not previously been considered as a potential host for a CIA detention site. A senior CIA officer indicated that the CIA "will have to acknowledge certain gaps in our planning/preparations,"[26] but stated that this plan would be presented to the president. At a Presidential Daily Briefing session that day, the president approved CIA's proposal to detain Abu Zubaydah in Country [redacted].

The CIA lacked a plan for the eventual disposition of its detainees. After taking custody of Abu Zubaydah, CIA officers concluded that he "should remain incommunicado for the remainder of his life," which "may preclude [Abu Zubaydah] from being turned over to another country."[27]

The CIA did not review its past experience with coercive interrogations, or its previous statement to Congress that "inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers."[28] The CIA also did not contact other elements of the U.S. Government with interrogation expertise.

In July 2002, on the basis of consultations with contract psychologists, and with very limited internal deliberation, the CIA requested approval from the Department of Justice to use a set of coercive interrogation techniques. The techniques were adapted from the training of U.S.

military personnel at the U.S. Air Force Survival, Evasion, Resistance and Escape (SERE) school, which was designed to prepare U.S. military personnel for the conditions and treatment to which they might be subjected if taken prisoner by countries that do not adhere to the Geneva Conventions.

As it began detention and interrogation operations, the CIA deployed personnel who lacked relevant training and experience. The CIA began interrogation training more than seven months after taking custody of Abu Zubaydah, and more than three months after the CIA began using its "enhanced interrogation techniques." CIA Director George Tenet issued formal guidelines for interrogations and conditions of confinement at detention sites in January 2003, by which time 40 of the 119 known detainees had been detained by the CIA.

#12: The CIA's management and operation of its Detention and Interrogation Program was deeply flawed throughout the program's duration, particularly so in 2002 and early 2003.

The CIA's COBALT detention facility in Country [redacted] began operations in September 2002 and ultimately housed more than half of the 119 CIA detainees identified in this Study. The CIA kept few formal records of the detainees in its custody at COBALT. Untrained CIA officers at the facility conducted frequent, unauthorized, and unsupervised interrogations of detainees using harsh physical interrogation techniques that were not—and never became—part of the CIA's formal "enhanced" interrogation program. The CIA placed a junior officer with no relevant experience in charge of COBALT. On November [redacted], 2002, a detainee who had been held partially nude and chained to a concrete floor died from suspected hypothermia at the facility. At the time, no single unit at CIA Headquarters had clear responsibility for CIA detention and interrogation operations. In interviews conducted in 2003 with the Office of Inspector General, CIA's leadership and senior attorneys acknowledged that they had little or no awareness of operations at COBALT, and some believed that enhanced interrogation techniques were not used there.

Although CIA Director Tenet in January 2003 issued guidance for detention and interrogation activities, serious management problems persisted. For example, in December 2003, CIA personnel reported that they had made the "unsettling discovery" that the CIA had been "holding a number of detainees about whom" the CIA knew "very little" at multiple detention sites in Country [redacted].[29]

Divergent lines of authority for interrogation activities persisted through at least 2003. Tensions among interrogators extended to complaints about the safety and effectiveness of each other's interrogation practices.

The CIA placed individuals with no applicable experience or training in senior detention and interrogation roles, and provided inadequate linguistic and analytical support to conduct effective questioning of CIA detainees, resulting in diminished intelligence. The lack of CIA personnel available to question detainees, which the CIA inspector general referred to as "an ongoing problem,"[30] persisted throughout the program.

In 2005, the chief of the CIA's BLACK detention site, where many of the detainees the CIA assessed as "high-value" were held, complained that CIA Headquarters "managers seem to be selecting either problem, underperforming officers, new, totally inexperienced officers or whomever seems to be willing and able to deploy at any given time," resulting in "the production of mediocre or, I dare say, useless intelligence...."[31]

Numerous CIA officers had serious documented personal and professional problems -including histories of violence and records of abusive treatment of others—that should have called into question their suitability to participate in the CIA's Detention and Interrogation Program, their employment with the CIA, and their continued access to classified information. In nearly all cases, these problems were known to the CIA prior to the assignment of these officers to detention and interrogation positions.

#13: Two contract psychologists devised the CIA's enhanced interrogation techniques and played a central role in the operation, assessments, and management of the CIA's Detention and Interrogation Program. By 2005, the CIA had overwhelmingly outsourced operations related to the program.

The CIA contracted with two psychologists to develop, operate, and assess its interrogation operations. The psychologists' prior experience was at the U.S. Air Force Survival, Evasion, Resistance and Escape (SERE) school. Neither psychologist had any experience as an interrogator, nor did either have specialized knowledge of al-Qa'ida, a background in counterterrorism, or any relevant cultural or linguistic expertise.

On the CIA's behalf, the contract psychologists developed theories of interrogation based on "learned helplessness,"[32] and developed the list of enhanced interrogation techniques that was approved for use against Abu Zubaydah and subsequent CIA detainees. The psychologists personally conducted interrogations of some of the CIA's most significant detainees using these techniques. They also evaluated whether detainees' psychological state allowed for the continued use of the CIA's enhanced interrogation techniques, including some detainees whom they were themselves interrogating or had interrogated. The psychologists carried out inherently governmental functions, such as acting as liaison between the CIA and foreign intelligence services, assessing the effectiveness of the interrogation program, and participating in the interrogation of detainees in held in foreign government custody.

In 2005, the psychologists formed a company specifically for the purpose of conducting their work with the CIA. Shortly thereafter, the CIA outsourced virtually all aspects of the program.

In 2006, the value of the CIA's base contract with the company formed by the psychologists with all options exercised was in excess of $180 million; the contractors received $81 million prior to the contract's termination in 2009. In 2007, the CIA provided a multi-year indemnification agreement to protect the company and its employees from legal liability arising out of the program. The CIA has since paid out more than $1 million pursuant to the agreement.

In 2008, the CIA's Rendition, Detention, and Interrogation Group, the lead unit for detention and interrogation operations at the CIA, had a total of [redacted] positions, which were filled with [redacted] CIA staff officers and [redacted] contractors, meaning that contractors made up 85% of the workforce for detention and interrogation operations.

#14: CIA detainees were subjected to coercive interrogation techniques that had not been approved by the Department of Justice or had not been authorized by CIA Headquarters.

Prior to mid-2004, the CIA routinely subjected detainees to nudity and dietary manipulation. The CIA also used abdominal slaps and cold water dousing on several detainees during that period. None of these techniques had been approved by the Department of Justice.

At least 17 detainees were subjected to CIA enhanced interrogation techniques without authorization from CIA Headquarters. Additionally, multiple detainees were subjected to techniques that were applied in ways that diverged from the specific authorization, or were subjected to enhanced interrogation techniques by interrogators who had not been authorized to use them. Although these incidents were recorded in CIA cables and, in at least some cases were identified at the time by supervisors at CIA Headquarters as being inappropriate, corrective action was rarely taken against the interrogators involved.

#15: The CIA did not conduct a comprehensive or accurate accounting of the number of individuals it detained, and held individuals who did not meet the legal standard for detention. The CIA's claims about the number of detainees held and subjected to its enhanced interrogation techniques were inaccurate.

The CIA never conducted a comprehensive audit or developed a complete and accurate list of the individuals it had detained or subjected to its enhanced interrogation techniques. CIA statements to the Committee and later to the public that the CIA detained fewer than 100 individuals, and that less than a third of those 100 detainees were subjected to the CIA's enhanced interrogation techniques, were inaccurate. The Committee's review of CIA records determined that the CIA detained at least 119 individuals, of whom at least 39 were subjected to the CIA's enhanced interrogation techniques.

Of the 119 known detainees, at least 26 were wrongfully held and did not meet the detention standard in the September 2001 Memorandum of Notification (MON). These included an "intellectually challenged" man whose CIA detention was used solely as leverage to get a family member to provide information, two individuals who were intelligence sources for foreign liaison services and were former CIA sources, and two individuals whom the CIA assessed to be connected to al-Qa'ida based solely on information fabricated by a CIA detainee subjected to the CIA's enhanced interrogation techniques. Detainees often remained in custody for months after the CIA determined that they did not meet the MON standard. CIA records provide insufficient information to justify the detention of many other detainees.

CIA Headquarters instructed that at least four CIA detainees be placed in host country detention facilities because the individuals did not meet the MON standard for CIA detention. The host country had no independent reason to hold the detainees.

A full accounting of CIA detentions and interrogations may be impossible, as records in some cases are non-existent, and, in many other cases, are sparse and insufficient. There were almost no detailed records of the detentions and interrogations at the CIA's COBALT detention facility in 2002, and almost no such records for the CIA's GRAY detention site, also in Country [redacted]. At CIA detention facilities outside of Country [redacted], the CIA kept increasingly less-detailed records of its interrogation activities over the course of the CIA's Detention and Interrogation Program.

#16: The CIA failed to adequately evaluate the effectiveness of its enhanced interrogation techniques.

The CIA never conducted a credible, comprehensive analysis of the effectiveness of its enhanced interrogation techniques, despite a recommendation by the CIA inspector general and similar requests by the national security advisor and the leadership of the Senate Select Committee on Intelligence.

Internal assessments of the CIA's Detention and Interrogation Program were conducted by CIA personnel who participated in the development and management of the program, as well as by CIA contractors who had a financial interest in its continuation and expansion. An "informal operational assessment" of the program, led by two senior CIA officers who were not part of the CIA's Counterterrorism Center, determined that it would not be possible to assess the effectiveness of the CIA's enhanced interrogation techniques without violating "Federal Policy for the Protection of Human Subjects" regarding human experimentation. The CIA officers, whose review relied on briefings with CIA officers and contractors running the program, concluded only that the "CIA Detainee Program" was a "success" without addressing the effectiveness of the CIA's enhanced interrogation techniques.[33]

In 2005, in response to the recommendation by the inspector general for a review of the effectiveness of each of the CIA's enhanced interrogation techniques, the CIA asked two individuals not employed by the CIA to conduct a broader review of "the entirety of" the "rendition, detention and interrogation program."[34] According to one individual, the review was "heavily reliant on the willingness of [CIA Counterterrorism Center] staff to provide us with the factual material that forms the basis of our conclusions." That individual acknowledged lacking the requisite expertise to review the effectiveness of the CIA's enhanced interrogation techniques, and concluded only that "the program," meaning all CIA detainee reporting regardless of whether it was connected to the use of the CIA's enhanced interrogation techniques, was a "great success."[35] The second reviewer concluded that "there is no objective way to answer the question of efficacy" of the techniques.[36]

There are no CIA records to indicate that any of the reviews independently validated the "effectiveness" claims presented by the CIA, to include basic confirmation that the intelligence cited by the CIA was acquired from CIA detainees during or after the use of the CIA's enhanced

interrogation techniques. Nor did the reviews seek to confirm whether the intelligence cited by the CIA as being obtained "as a result" of the CIA's enhanced interrogation techniques was unique and "otherwise unavailable," as claimed by the CIA, and not previously obtained from other sources.

#17: The CIA rarely reprimanded or held personnel accountable for serious and significant violations, inappropriate activities, and systemic and individual management failures.

CIA officers and CIA contractors who were found to have violated CIA policies or performed poorly were rarely held accountable or removed from positions of responsibility.

Significant events, to include the death and injury of CIA detainees, the detention of individuals who did not meet the legal standard to be held, the use of unauthorized interrogation techniques against CIA detainees, and the provision of inaccurate information on the CIA program did not result in appropriate, effective, or in many cases, any corrective actions. CIA managers who were aware of failings and shortcomings in the program but did not intervene, or who failed to provide proper leadership and management, were also not held to account.

On two occasions in which the CIA inspector general identified wrongdoing, accountability recommendations were overruled by senior CIA leadership. In one instance, involving the death of a CIA detainee at COBALT, CIA Headquarters decided not to take disciplinary action against an officer involved because, at the time, CIA Headquarters had been "motivated to extract any and all operational information" from the detainee.[37] In another instance related to a wrongful detention, no action was taken against a CIA officer because, "[t]he Director strongly believes that mistakes should be expected in a business filled with uncertainty," and "the Director believes the scale tips decisively in favor of accepting mistakes that over connect the dots against those that under connect them."[38] In neither case was administrative action taken against CIA management personnel.

#18: The CIA marginalized and ignored numerous internal critiques, criticisms, and objections concerning the operation and management of the CIA's Detention and Interrogation Program.

Critiques, criticisms, and objections were expressed by numerous CIA officers, including senior personnel overseeing and managing the program, as well as analysts, interrogators, and medical officers involved in or supporting CIA detention and interrogation operations.

Examples of these concerns include CIA officers questioning the effectiveness of the CIA's enhanced interrogation techniques, interrogators disagreeing with the use of such techniques against detainees whom they determined were not withholding information, psychologists recommending less isolated conditions, and Office of Medical Services personnel questioning both the effectiveness and safety of the techniques. These concerns were regularly overridden by CIA management, and the CIA made few corrective changes to its policies governing the

program. At times, CIA officers were instructed by supervisors not to put their concerns or observations in written communications.

In several instances, CIA officers identified inaccuracies in CIA representations about the program and its effectiveness to the Office of Inspector General, the White House, the Department of Justice, the Congress, and the American public. The CIA nonetheless failed to take action to correct these representations, and allowed inaccurate information to remain as the CIA's official position.

The CIA was also resistant to, and highly critical of more formal critiques. The deputy director for operations stated that the CIA inspector general's draft Special Review should have come to the "conclusion that our efforts have thwarted attacks and saved lives,"[39] while the CIA general counsel accused the inspector general of presenting "an imbalanced and inaccurate picture" of the program.[40] A February 2007 report from the International Committee of the Red Cross (ICRC), which the CIA acting general counsel initially stated "actually does not sound that far removed from the reality,"[41] was also criticized. CIA officers prepared documents indicating that "critical portions of the Report are patently false or misleading, especially certain key factual claims...."[42] CIA Director Hayden testified to the Committee that "numerous false allegations of physical and threatened abuse and faulty legal assumptions and analysis in the [ICRC] report undermine its overall credibility."[43]

#19: The CIA's Detention and Interrogation Program was inherently unsustainable and had effectively ended by 2006 due to unauthorized press disclosures, reduced cooperation from other nations, and legal and oversight concerns.

The CIA required secrecy and cooperation from other nations in order to operate clandestine detention facilities, and both had eroded significantly before President Bush publicly disclosed the program on September 6, 2006. From the beginning of the program, the CIA faced significant challenges in finding nations willing to host CIA clandestine detention sites. These challenges became increasingly difficult over time. With the exception of Country [redacted], the CIA was forced to relocate detainees out of every country in which it established a detention facility because of pressure from the host government or public revelations about the program. Beginning in early 2005, the CIA sought unsuccessfully to convince the U.S. Department of Defense to allow the transfer of numerous CIA detainees to U.S. military custody. By 2006, the CIA admitted in its own talking points for CIA Director Porter Goss that, absent an Administration decision on an "endgame" for detainees, the CIA was "stymied" and "the program could collapse of its own weight."[44]

Lack of access to adequate medical care for detainees in countries hosting the CIA's detention facilities caused recurring problems. The refusal of one host country to admit a severely ill detainee into a local hospital due to security concerns contributed to the closing of the CIA's detention facility in that country. The U.S. Department of Defense also declined to provide medical care to detainees upon CIA request.

In mid-2003, a statement by the president for the United Nations International Day in Support of Victims of Torture and a public statement by the White House that prisoners in U.S. custody are treated "humanely" caused the CIA to question whether there was continued policy support for the program and seek reauthorization from the White House. In mid-2004, the CIA temporarily suspended the use of its enhanced interrogation techniques after the CIA inspector general recommended that the CIA seek an updated legal opinion from the Office of Legal Counsel. In early 2004, the U.S. Supreme Court decision to grant certiorari in the case of *Rasul v. Bush* prompted the CIA to move detainees out of a CIA detention facility at Guantanamo Bay, Cuba. In late 2005 and in 2006, the Detainee Treatment Act and then the U.S. Supreme Court decision in *Hamdan v. Rumsfeld* caused the CIA to again temporarily suspend the use of its enhanced interrogation techniques.

By 2006, press disclosures, the unwillingness of other countries to host existing or new detention sites, and legal and oversight concerns had largely ended the CIA's ability to operate clandestine detention facilities.

After detaining at least 113 individuals through 2004, the CIA brought only six additional detainees into its custody: four in 2005, one in 2006, and one in 2007. By March 2006, the program was operating in only one country. The CIA last used its enhanced interrogation techniques on November 8, 2007. The CIA did not hold any detainees after April 2008.

#20: The CIA's Detention and Interrogation Program damaged the United States' standing in the world, and resulted in other significant monetary and non-monetary costs.

The CIA's Detention and Interrogation Program created tensions with U.S. partners and allies, leading to formal *demarches* to the United States, and damaging and complicating bilateral intelligence relationships.

In one example, in June 2004, the secretary of state ordered the U.S. ambassador in Country [redacted] to deliver a *demarche* to Country [redacted], "in essence demanding [Country [redacted] Government] provide full access to all [Country [redacted]] detainees" to the International Committee of the Red Cross. At the time, however, the detainees Country [redacted] was holding included detainees being held in secret at the CIA's behest.[45]

More broadly, the program caused immeasurable damage to the United States' public standing, as well as to the United States' longstanding global leadership on human rights in general and the prevention of torture in particular.

CIA records indicate that the CIA's Detention and Interrogation Program cost well over $300 million in non-personnel costs. This included funding for the CIA to construct and maintain detention facilities, including two facilities costing nearly $[redacted] million that were never used, in part due to host country political concerns.

To encourage governments to clandestinely host CIA detention sites, or to increase support for existing sites, the CIA provided millions of dollars in cash payments to foreign government

officials. CIA Headquarters encouraged CIA Stations to construct "wish lists" of proposed financial assistance to [redacted] [entities of foreign governments], and to "think big" in terms of that assistance.[46]

[1] As measured by the number of disseminated intelligence reports. Therefore, zero intelligence reports were disseminated based on information provided by seven of the 39 detainees known to have been subjected to the CIA's enhanced interrogation techniques.
[2] May 30, 2005, Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees.
[3] Transcript of Senate Select Committee on Intelligence briefing, September 6, 2006.
[4] This episode was not described in CIA cables, but was described in internal emails sent by personnel in the CIA Office of Medical Services and the CIA Office of General Counsel. A review of the videotapes of the interrogations of Abu Zubaydah by the CIA Office of Inspector General (OIG) did not note the incident. A review of the catalog of videotapes, however, found that recordings of a 21-hour period, which included two waterboarding sessions, were missing.
[5] April 10, 2003, email from [redacted]; to [redacted]; cc: [redacted]; re More. Throughout the Committee Study, last names in all capitalized letters are pseudonyms.
[6] ALEC [redacted] (182321Z JUL 02)
[7] At the time, confining a detainee in a box with the dimensions of a coffin was an approved CIA enhanced interrogation technique.
[8] [REDACTED] 1324 (161750Z SEP 03), referring to Hambali.
[9] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, June 17, 2003
[10] In one case, interrogators informed a detainee that he could earn a bucket if he cooperated.
[11] Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], April 7, 2003, p. 12.
[12] Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [redacted], May 8, 2003, p. 9.
[13] November 26, 2001, Draft of Legal Appendix, Paragraph 5, "Hostile Interrogations: Legal Considerations for CIA Officers," at 1.
[14] May 30, 2005, Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees. July 20, 2007, Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May be Used by the CIA in the Interrogation of High Value al Qaeda Detainees.
[15] The CIA's June 27, 2013, Response to the Committee Study of the CIA's Detention and Interrogation Program states that these limitations were dictated by the White House. The CIA's June 2013 Response then acknowledges that the CIA was "comfortable" with this decision.
[16] DIRECTOR [redacted] (152227Z MAR 07)
[17] The Committee's conclusion is based on CIA records, including statements from CIA Directors George Tenet and Porter Goss to the CIA inspector general, that the directors had not briefed the president on the CIA's interrogation program. According to CIA records, when briefed in April 2006, the president expressed discomfort with the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself." The CIA's June 2013 Response does not dispute the CIA records, but states that "[w]hile Agency records on the subject are admittedly incomplete, former President Bush has stated in his autobiography that he discussed the program, including the use of enhanced techniques, with then-DCIA Tenet in 2002, prior to application of the techniques on Abu Zubaydah, and personally approved the techniques." A memoir by former Acting CIA General Counsel John Rizzo disputes this account.
[18] CIA records indicate that the CIA had not informed policymakers of the presence of CIA detention facilities in Countries [redacted], [redacted], [redacted] and [redacted]. It is less clear whether policymakers were aware of the detention facilities in Country [redacted] and at Guantanamo Bay, Cuba. The CIA requested that country names and information directly or indirectly

identifying countries be redacted. The Study therefore lists the countries by letter. The Study uses the same designations consistently, so "Country J," for example, refers to the same country throughout the Study.

[19] July 31, 2003, email from John Rizzo to [redacted] re Rump PC on interrogations.

[20] Lotus Notes message from Chief of the CIA Station in Country [redacted] to D/CTC, COPS; copied in: email from [redacted], to [REDACTED], [REDACTED], cc: [REDACTED], [redacted], [redacted], [redacted], subj: ADCI Talking Points for Call to DepSec Armitage, date 9/23/2004, at 7:40:43 PM

[21] Briefing slides, CIA Interrogation Program, July 29, 2003

[22] No CIA detention facilities were established in these two countries.

[23] U.S. law (22 U.S.C. § 3927) requires that chiefs of mission "shall be kept fully and currently informed with respect to all activities and operations of the Government within that country," including the activities and operations of the CIA.

[24] Sametime communication, between John P. Mudd and [redacted], April 13, 2005.

[25] Sametime communication, between John P. Mudd and [redacted], April 13, 2005.

[26] March 29, 2002, email from [redacted] to [redacted], re A-Z Interrogation Plan.

[27] ALEC [redacted] (182321Z JUL 02)

[28] January 8, 1989, Letter from John L. Helgerson, Director of Congressional Affairs, to Vice Chairman William S. Cohen, Senate Select Committee on Intelligence, re: SSCI Questions on [redacted], at 7-8.

[29] [REDACTED] 1528 (191903Z DEC 03)

[30] Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS, June 14, 2006.

[31] April 15, 2005, email from [REDACTED] (Chief of Base of DETENTION SITE BLACK), to [redacted], [redacted], [redacted], re General Comments.

[32] "Learned helplessness" in this context was the theory that detainees might become passive and depressed in response to adverse or uncontrollable events, and would thus cooperate and provide information. Memo from Grayson SWIGERT, Ph.D., February 1, 2003, "Qualifications to provide special mission interrogation consultation."

[33] They also concluded that the CIA "should not be in the business of running prisons or 'temporary detention facilities.'" May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division via Associate Deputy Director for Operations, with the subject line, "Operational Review of CIA Detainee Program."

[34] March 21, 2005, Memorandum for Deputy Director for Operations from Robert L. Grenier, Director DCI Counterterrorism Center, re Proposal for Full-Scope Independent Study of the CTC Rendition, Detention, and Interrogation Programs.

[35] September 2, 2005, Memorandum from [redacted] to Director Porter Goss, CIA, "Assessment of EITs Effectiveness."

[36] September 23, 2005, Memorandum from [redacted] to The Honorable Porter Goss, Director, Central Intelligence Agency, "Response to request from Director for Assessment of EIT effectiveness."

[37] February 10, 2006, Memorandum for [redacted CIA OFFICER 1], CounterTerrorist Center, National Clandestine Service, from Executive Director re: Accountability Decision.

[38] Congressional notification, CIA Response to OIG Investigation Regarding the Rendition and Detention of German Citizen Khalid al-Masri, October 9, 2007.

[39] Memorandum for Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[40] February 24, 2004, Memorandum from Scott W. Muller, General Counsel, to Inspector General re Interrogation Program Special Review (2003-7123-IG).

[41] November 9, 2006, email from John A. Rizzo, to Michael V. Hayden, Stephen R. Kappes, cc: Michael Morell, [redacted], [redacted], [redacted], Subject: Fw: 5 December 2006 Meeting with ICRC Rep.

[42] CIA Comments on the February 2007 ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody."

[43] Senate Select Committee on Intelligence hearing transcript for April 12, 2007.

[44] DCIA Talking Points for 12 January 2006 Meeting with the President, re: Way Forward on Counterterrorist Rendition, Detention and Interrogation Program.

[45] HEADQUARTERS [redacted] (071742Z JUN 04)

[46] [REDACTED] 5759 ([redacted] 03); ALEC [redacted] ([redacted] 03); ALEC [redacted] ([redacted] 03)